

03-9685 JOHNSON V. UNITED STATES

DECISION BELOW: 340 F3d 1219

LOWER COURT CASE NUMBER: 01-14830

QUESTION PRESENTED:

When a federal court bases an enhanced sentence on a vacated state conviction, is the vacatur of the state conviction a "fact" supporting a prisoner's 28 U.S.C. § 2255 claim requiring reduction of the prisoner's sentence?

CERT. GRANTED 9/28/2004